

HOUSE BILL NO. 189

INTRODUCED BY PATTISON

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING AND UPDATING PROVISIONS
6 GOVERNING BICYCLES; REDEFINING "BICYCLE"; ALLOWING THE DEPARTMENT OF JUSTICE TO USE
7 RULEMAKING TO ALLOW CERTAIN VEHICLES TO BE DEFINED AS BICYCLES; PROHIBITING A PARENT
8 OR GUARDIAN FROM ALLOWING A CHILD TO VIOLATE BICYCLE LAWS; PROHIBITING THE OPERATOR
9 OF A BICYCLE FROM CARRYING ~~MORE PEOPLE THAN THE BICYCLE IS DESIGNED TO CARRY~~
10 ANOTHER PERSON ON THE HANDLEBARS OF THE BICYCLE; CLARIFYING WHERE ON A HIGHWAY A
11 PERSON OPERATING A BICYCLE SHALL RIDE; REQUIRING THAT AN OPERATOR KEEP AT LEAST ONE
12 HAND ON THE HANDLEBARS OF A BICYCLE AT ALL TIMES; SPECIFYING THE KIND OF EQUIPMENT
13 BICYCLES MUST HAVE; PROHIBITING THE OPERATION OF CERTAIN KINDS OF BICYCLES ON THE
14 SIDEWALK OR IN A CROSSWALK; REQUIRING A WRITTEN AGREEMENT TO EXEMPT FROM TRAFFIC
15 LAWS PARTICIPANTS IN A BICYCLE RACING EVENT; PROVIDING BICYCLE TURN PROCEDURES;
16 REQUIRING CERTAIN HAND AND ARM SIGNALS WHEN TURNING OR STOPPING; REGULATING THE
17 PARKING OF BICYCLES; PROHIBITING A PERSON OPERATING A BICYCLE FROM INTERFERING WITH
18 A MOTOR VEHICLE; AND AMENDING SECTIONS 61-1-123, 61-1-206, 61-8-601, 61-8-603, 61-8-604,
19 61-8-605, 61-8-606, 61-8-607, 61-8-608, AND 61-8-609, MCA."

20

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22

23 **Section 1.** Section 61-1-123, MCA, is amended to read:24 **"61-1-123. Bicycle.** (1) "Bicycle" means:

25 ~~(1) every~~ (a) a vehicle propelled solely by human power applied to pedals upon which any a person
26 may ride, having a seat or saddle for use by the operator and two tandem wheels and a seat height of more than
27 25 inches from the ground when the seat is raised to its highest position, except scooters and similar devices
28 or two parallel wheels and one forward wheel, all of which are 14 inches in diameter or more; or

29 ~~(2) every~~ (b) a vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion,
30 and an independent power source providing a maximum of 2 brake horsepower. If a combustion engine is used,

1 the maximum piston or rotor displacement may not exceed 3.05 cubic inches, ~~(50 centimeters)~~ or 50 cubic
 2 centimeters, regardless of the number of chambers in the power source. The power source ~~must~~ may not be
 3 capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour, ~~(48.28 or 48.28~~
 4 ~~an hour)~~ hour, on a level surface. The device must be equipped with a power drive system that functions directly
 5 or automatically only and does not require clutching or shifting by the operator after the drive system is engaged.

6 (2) The department may by rule define as a bicycle a vehicle that fails to meet the criteria specified in
 7 this section but that is essentially similar to a bicycle in performance and application."

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9 **Section 2.** Section 61-1-206, MCA, is amended to read:

10 **"61-1-206. Roadway.** ~~Except as used in 61-8-605, "roadway"~~ "Roadway" means that portion of a
 11 highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the
 12 event a highway includes two or more separate roadways, the term "roadway" refers to any roadway separately
 13 but not to all roadways collectively."

14

15 **Section 3.** Section 61-8-601, MCA, is amended to read:

16 **"61-8-601. Effect of regulations.** (1) ~~It~~ A violation of a provision of this part is a misdemeanor ~~for any~~
 17 ~~person to do any act forbidden or fail to perform any act required in this part.~~

18 (2) ~~These regulations~~ The laws applicable to bicycles ~~shall~~ apply whenever a bicycle is operated upon
 19 ~~any a~~ a highway or upon ~~any a~~ a path set aside for the exclusive use of bicycles subject to those exceptions stated
 20 ~~herein in this part.~~

21 (3) The parent of a child or the guardian of a ward may not authorize or knowingly permit the child or
 22 ward to violate any of the provisions of this part."

23

24 **Section 4.** Section 61-8-603, MCA, is amended to read:

25 **"61-8-603. Riding on bicycles -- RIDING ON HANDLEBARS PROHIBITED.** ~~(1)~~ A person propelling a bicycle
 26 ~~shall may~~ not ride other than upon or astride a ~~the~~ permanent and regular seat or saddle attached thereto to the
 27 bicycle.

28 ~~———— (2) A bicycle may not be used to carry more people at one time than the number that it is designed or~~
 29 ~~equipped to carry, except that an adult rider may carry a child who is secured in a seat that is properly affixed~~
 30 ~~to the bicycle or who is secured in a trailer that is specifically designed to carry children~~ CARRY ANOTHER PERSON

1 ON THE HANDLEBARS OF THE BICYCLE."

2

3 **Section 5.** Section 61-8-604, MCA, is amended to read:

4 **"61-8-604. Clinging to vehicles.** ~~No~~ A person riding upon ~~any~~ a bicycle, coaster, roller skates, sled,
5 other human-powered vehicle, or toy vehicle ~~shall~~ may not attach the ~~same vehicle~~ or himself the person to any
6 vehicle upon a roadway, but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or
7 semitrailer has been designed for ~~such~~ the attachment."

8

9 **Section 6.** Section 61-8-605, MCA, is amended to read:

10 **"61-8-605. Riding on roadways highways.** ~~(1) As used in this section, "roadway" means that portion~~
11 ~~of a highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.~~

12 ~~(2)(1)~~ (1) A person operating a bicycle upon a roadway highway at less than the normal speed of traffic at
13 the time and place and under the conditions then existing shall ride on the shoulder or as near to the right side
14 of the roadway as practicable except when:

15 (a) overtaking and passing another bicycle or vehicle proceeding in the same direction;

16 (b) preparing for a left turn at an intersection or into a private road or driveway; ~~or~~

17 (c) reasonably necessary to avoid a condition that makes it unsafe to continue on the shoulder or along
18 the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle,
19 pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely
20 side by side within the lane;

21 (d) operating a bicycle within a clearly defined bicycle lane; or

22 (e) the far right lane of the roadway is restricted to vehicles making a right-hand turn. If a person
23 operating a bicycle does not intend to turn right at an intersection where the far right lane is restricted to vehicles
24 making a right-hand turn, the person shall ride to the left of the far right lane through the intersection.

25 (2) Where vehicles are parked on a highway, a person operating a bicycle shall ride as close as
26 practicable to the edge of the roadway that allows the person to ride in a straight line, avoiding weaving between
27 the parked vehicles.

28 (3) A person operating a bicycle upon a one-way highway, except on divided highways, with two or more
29 marked traffic lanes may ride on the left shoulder or as close to the left side of the roadway as practicable.

30 (4) Persons riding bicycles upon a roadway highway shall ride in single file except when:

- 1 (a) riding on paths or parts of ~~roadways~~ highways set aside for the exclusive use of bicycles;
- 2 (b) overtaking and passing another bicycle;
- 3 (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or
- 4 (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case
- 5 the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more
- 6 than they would otherwise impede traffic by riding single file and in accordance with the provisions of this
- 7 chapter.

8 ~~(5) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (2) and (3)."~~

9

10 **Section 7.** Section 61-8-606, MCA, is amended to read:

11 **"61-8-606. Carrying articles -- at least one hand on handlebars at all times.** ~~No~~ (1) A person

12 operating a bicycle shall may not carry any package, bundle, or article which that prevents the ~~driver from~~

13 keeping at least one hand upon the handle bars ~~use of both hands in the control and operation of the bicycle~~

14 PERSON FROM KEEPING AT LEAST ONE HAND ON THE HANDLEBARS.

15 (2) A person operating a bicycle shall keep at least one hand on the handlebars at all times."

16

17 **Section 8.** Section 61-8-607, MCA, is amended to read:

18 **"61-8-607. Lamps and other equipment on bicycles.** ~~(1) Every bicycle when~~ When EXCEPT AS

19 PROVIDED IN SUBSECTION (4) (3), WHEN in use at nighttime, a bicycle ~~shall~~ must be equipped with:

20 (a) a lamp on the front which shall emit that emits a white light visible from a distance of at least 500

21 feet to the front; ~~A;~~

22 (b) a lamp emitting on the rear that emits a red light visible from a distance of ~~500~~ 1,000 feet to the rear

23 ~~may be used in addition to rear-facing reflectors required by this section;~~

24 (c) a red rear-facing reflector of a type approved by the department that is visible for 600 feet to the rear

25 when directly in front of the lower beams of the headlamps on a motor vehicle;

26 (d) (i) reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when

27 directly in front of the lower beams of the headlamps on a motor vehicle; or

28 (ii) a lighted lamp that is visible from both sides from a distance of at least 500 feet;

29 (e) an essentially colorless front facing reflector;

30 (f) essentially colorless or amber pedal reflectors mounted on the front and back of each pedal; and

1 (g) (i) tires with reflective sidewalls; or
 2 (ii) reflectors mounted on the spokes of each wheel that are:
 3 (A) within 3 inches of the inside of the rim;
 4 (B) visible on each side of the wheel; and
 5 (C) essentially colorless or amber on the front wheel and amber COLORLESS or red on the back wheel.

6 ~~(2) Every bicycle when in use at nighttime shall be equipped with an essentially colorless front-facing~~
 7 ~~reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector. Pedal reflectors shall~~
 8 ~~be mounted on the front and back of each pedal.~~

9 ~~————(3) Every bicycle when in use at nighttime shall be equipped with either tires with retroreflective sidewalls~~
 10 ~~or reflectors mounted on the spokes of each wheel. Spoke-mounted reflectors shall be within 76 millimeters (3~~
 11 ~~inches) of the inside of the rim and shall be visible on each side of the wheel. The reflectors on the front wheel~~
 12 ~~shall be essentially colorless or amber and the reflectors on the rear wheel shall be amber or red.~~

13 ~~————(4) Reflectors required by this section shall be of a type approved by the department. Lights or reflectors~~
 14 ~~that are used in addition to those that are required in subsection (1) must emit a steady light or flash at a rate~~
 15 ~~of 100 to 280 flashes a minute.~~

16 ~~(5)(3)(2) Every bicycle shall must be equipped with a brake which or brakes that will enable the operator~~
 17 ~~to make the braked wheels skid stop the bicycle within 15 feet from a speed of 10 miles an hour on dry, level,~~
 18 ~~clean pavement.~~

19 ~~(6) Every bicycle is encouraged to be equipped with a flag clearly visible from the rear and suspended~~
 20 ~~not less than 6 feet above the roadway when the bicycle is standing upright. The flag shall be fluorescent~~
 21 ~~orange in color.~~

22 ~~(4)(3) A PERSON OPERATING A BICYCLE MAY WEAR:~~

23 ~~(A) THE LAMPS REQUIRED IN SUBSECTIONS (1)(A) AND (1)(B) ON THE PERSON'S HEAD OR CLOTHING INSTEAD OF~~
 24 ~~THOSE LAMPS BEING ATTACHED TO THE BICYCLE; AND~~

25 ~~(B) REFLECTIVE LEG BANDS ON THE PERSON'S LEGS INSTEAD OF THE REFLECTORS ON THE PEDALS REQUIRED~~
 26 ~~IN SUBSECTION (1)(F)."~~

27
 28 **Section 9.** Section 61-8-608, MCA, is amended to read:
 29 **"61-8-608. Bicycles on sidewalks and within crosswalks.** (1) A person operating a bicycle upon ~~and~~
 30 ~~along~~ a sidewalk or across a roadway ~~upon and along~~ within a crosswalk shall yield the right-of-way to any

1 pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

2 (2) A person may not ride a bicycle upon ~~and along~~ a sidewalk or across a roadway ~~upon and along~~
3 within a crosswalk where the use of a bicycle is prohibited by official traffic control devices.

4 (3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon
5 ~~and along~~ a sidewalk or across a roadway ~~upon and along~~ within a crosswalk has all the rights and duties
6 applicable to a pedestrian under the same circumstances.

7 (4) A person who is operating a bicycle as defined in 61-1-123(1)(b) may not operate the bicycle upon
8 a sidewalk or within a crosswalk."

9

10 **Section 10.** Section 61-8-609, MCA, is amended to read:

11 **"61-8-609. Bicycle racing -- when lawful.** (1) Bicycle racing on a highway is prohibited except as
12 authorized in this section.

13 (2) Bicycle racing on a highway is lawful when a racing event is approved by state or local authorities
14 on any highway under their respective jurisdictions. Approval of bicycle highway racing events will be granted
15 only under conditions that ~~assure~~ ensure reasonable safety for all race participants, spectators, and other
16 highway users and that prevent unreasonable interference with traffic flow.

17 (3) By written agreement with the approving authority, participants in an approved bicycle highway
18 racing event may be exempted from compliance with any traffic laws otherwise applicable if traffic control is
19 adequate to ~~assure~~ ensure the safety of all highway users."

20

21 NEW SECTION. Section 11. Bicycle turn procedures. (1) A person operating a bicycle who intends
22 to turn left shall follow the course described in 61-8-333(1) or in subsection (2) of this section.

23 (2) Except as provided in 61-8-333(3), a person operating a bicycle who intends to turn left shall
24 approach the turn as close as practicable to the right curb or right edge of the road surface. After proceeding
25 across the intersecting roadway to the far corner of the curb or intersection of roadway edges, the person shall
26 stop as much as practicable out of the way of traffic. After stopping, the person shall yield to any traffic
27 proceeding in either direction along the roadway the person had been using. After yielding and complying with
28 any official traffic control device or police officer regulating traffic on the highway that the person intends to use,
29 the person may proceed in the new direction.

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